

## **APPENDIX N**

**Title 10 (Health) NYCRR SubPart 69-5;  
Approval of rape crisis programs for the purpose of  
rape crisis counselor certification.**

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SUBPART 69-5  
APPROVAL OF RAPE CRISIS PROGRAMS FOR THE PURPOSE  
OF RAPE CRISIS COUNSELOR CERTIFICATION  
(Statutory Authority: Public Health Law, section 206(15))

SEC.

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**Section 69-5.1 Definitions.** As used in this Part:

(a) Client means any person seeking or receiving the services of a rape crisis counselor for the purpose of securing counseling or assistance concerning any sexual offense, sexual abuse, incest or attempt to commit a sexual offense, sexual abuse, or incest, as defined in the Penal Law.

(b) Governing authority means the entity or individual responsible for the quality of services and the operation of the rape crisis program.

(c) Rape crisis counselor means any person certified by an approved rape crisis program as having satisfied the training standards set forth in section 206 of the Public Health Law, and who is acting under the direction and supervision of an approved rape crisis program.

(d) Rape crisis program means any office, institution or center, which has been approved, pursuant to subdivision 15 of section 206 of the Public Health Law, to offer counseling and assistance to clients concerning sexual offenses, sexual abuse or incest.

(e) Training coordinator means the individual, designated by the governing authority who is responsible for overseeing the training and certification of rape crisis counselors.

Section 69-5.2 - Eligibility for rape crisis program approval

To be eligible for approval:

(a) The program must provide services to alleviate the immediate and long term negative physical and emotional effects of sexual assault and abuse. Services shall be accessible, confidential, provided without coercion, and available to individuals regardless of age, gender, race, ethnicity, sexual orientation, disability status, or ability to pay. Nothing herein, however, shall prevent the operation of a program formed to meet the special needs of persons from a particular community or group, provided that the program gives the department a written assurance that it will not refuse to provide services to any person who

seeks assistance from the program who is not a member of the target community or group that the program serves. These services must include but need not be limited to:

(1) twenty-four hour access to crisis intervention services including telephone hotline and phone counseling capabilities;

(2) in-person individual or group counseling;

(3) community prevention education programs;

(4) training of professionals concerning sexual assault issues;

(5) accompaniment of victims to medical facilities;

(6) advocacy on behalf of victims within the criminal justice system; and

(7) information and referral services, based on established relationships with human service providers, medical personnel, and law enforcement officials.

(b) The program must provide information to victims of sexual offenses, sexual abuse or incest that is designed to enable them to make informed decisions regarding medical and legal options and support services. Information must be provided regarding:

(1) sexually transmitted diseases;

(2) HIV/AIDS counseling and testing options;

(3) post-coital contraception;

(4) options regarding any pregnancy that may occur as a result of sexual assault or rape;

(5) evidence collection policies and procedures;

(6) civil and criminal court proceedings and availability of accompaniment and support throughout the legal process;

(7) availability of crime victims' compensation benefits; and

(8) availability of crisis intervention, telephone and in-person counseling services.

(c) Programs must have a written policy regarding client confidentiality and a protocol for obtaining an agreement signed by each counselor to adhere to that policy.

(d) Programs must be responsive to the cultural and language needs of the population served.

(e) The governing authority of the rape crisis program shall designate a training coordinator, whose training and/or experience is relevant to the services provided at the program and who shall have the authority and responsibility to oversee the training and certification of the program's rape crisis counselors.

(f) Programs must have a system in place to ensure that the minimum training standards set forth in this section are consistently met.

(g) The rape crisis program shall permit on-site program review by representatives of the Department of Health and, upon request, shall make available to such representatives any records and reports related to department approval of the rape crisis program.

(h) Nothing contained in this section shall prohibit a program, with approval of the Department of Health, from subcontracting for, or otherwise ensuring that the required services are available.

#### Section 69-5.3 - Minimum training standards

Rape crisis counselors must have at least 40 hours of training, at least 30 hours of which must have been completed prior to certification and the remainder of which must be completed within one year from the date of certification. This training shall include, but need not be limited to, instruction in the following:

(a) the dynamics of sexual offenses, sexual abuse and incest;

(b) crisis intervention techniques;

(c) client-counselor confidentiality requirements;

(d) communication skills and intervention techniques;

(e) an overview of the state criminal justice system;

(f) an update and review of state laws on sexual offenses, sexual abuse and incest;

- (g) the availability of state and community resources for clients;
- (h) working with a diverse population;
- (i) an overview of child abuse and maltreatment identification and reporting responsibilities;
- and
- (j) information on the availability of medical and legal assistance for such clients.

Section 69-5.4 - Application/reapplication for rape crisis program approval

(a) Application for approval shall be made on forms provided by the department. Information required from the applicant shall include:

- (1) a description of services provided to victims of sexual offenses, sexual abuse or incest;
- (2) a description of the program's community prevention education, training of professionals and outreach services;
- (3) the program's curriculum for training rape crisis counselors, or confirmation of intent to use a curriculum approved by the department;
- (4) a description of the program's training program, referred to in section 69-5.3 above;
- and
- (5) a description of the program's procedures to evaluate and monitor program services, including the performance of rape crisis counselors.

Section 69-5.5 - Granting of approval.

(a) Within forty-five (45) days of receipt of a complete application, the department shall issue to each rape crisis program that meets the requirements of this Subpart, approval to certify its rape crisis counselors for the confidentiality privilege.

(b) Approval obtained pursuant to subdivision (a) of this section shall continue for three years from the date of notification by the commissioner of approval of the application submitted by the rape crisis program until receipt by the organization of written notice, from the commissioner, terminating approval of the program, whichever occurs first. The commissioner may extend approval of the program for additional three-year periods if the organization has complied with all requirements of these sections during the prior period of approval.

(c) If a program submits an application that does not meet the requirements of this Subpart, the department will provide the applicant with written comments regarding the required modifications needed to obtain approval.

Section 69-5.6 - Certification of rape crisis counselors.

(a) Rape crisis programs shall certify that rape crisis counselors have met the training requirements set forth in section 69-5.3 of this Subpart and shall keep records regarding certified rape crisis counselors consisting of the following:

- (1) documentation of training received on the provision of services to victims of sexual offenses, sexual abuse or incest;
- (2) for rape crisis counselors with less than 40 hours of training, a plan for completing the training requirements within one year from the date of certification;
- (3) documentation of ongoing education and training;
- (4) an agreement signed by each counselor to adhere to the program's client confidentiality policy;
- (5) annual performance evaluation reports;
- (6) an attestation signed by the training coordinator that the rape crisis counselor meets the minimum training requirements for certification; and
- (7) an attestation signed by the training coordinator that the rape crisis counselor has completed the 40 hours of required training.

(b) The governing authority of each rape crisis program approved under this Subpart must provide the department with a list of its certified rape crisis counselors semi-annually, beginning thirty days from the date of department approval of the program.

**Section 69-5.7 - Technical assistance**

The Department of Health shall provide technical assistance to approved rape crisis programs to implement training programs in accordance with the minimum standards set forth in this Subpart.

**Section 69-5.8 - Periodic review**

For each approved rape crisis program, the Department of Health shall perform on-site visits, review records or reports related to the program, and/or observe the training of rape crisis counselors as necessary to ensure compliance with the requirements of this Subpart.